Supreme Court, U. S.
FILED
MAR 15 1978
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1977

No. 77- 1306

LEONARD C. JAQUES,

Appellant,

vs

STATE BAR GRIEVANCE ADMINISTRATOR,

Appellee.

ON APPEAL FROM THE
SUPREME COURT OF THE
STATE OF MICHIGAN

SUPPLEMENTARY APPENDIX TO JURISDICTIONAL STATEMENT

LEONARD C. JAQUES
1370 Penobscot Bldg.
Detroit, Michigan 48226
(313) 961-1090
ATTORNEY OF RECORD
FOR APPPELLANT

GROMEK & BENDURE
Mark R. Bendure
1410 Lafayette Building
Detroit, Michigan 48226
(313) 961-1525
ATTORNEYS FOR
APPELLANT

THE INLAND PRESS, DETROIT, MICHIGAN

The Table of Contents and Appendix to the Jurisdictional Statement filed in this cause indicate that the Notice of Appeal was filed in the state court on March 15, 1978. Upon inquiry, it has been determined that the Notice of Appeal, which was filed in the Supreme Court of the State of Michigan by mail, was not received and filed by that court by the date of March 15, 1978. Upon discovering this, Appellant has filed another original Notice of Appeal in the state court by hand delivery of the same as set forth herein on March 16, 1978.

Filed in the Supreme Court of
Michigan on March 16, 1978

STATE OF MICHIGAN
IN THE SUPREME COURT

STATE BAR GRIEVANCE ADMINISTRATOR, Plaintiff-Appellee, -vs- LEONARD C. JAQUES, Defendant-Appellant,	Supreme Court No. 58,697 State Bar File 30844-A; 31899-A

NOTICE OF APPEAL TO THE
SUPREME COURT OF THE UNITED STATES

NOTICE is hereby given that LEONARD C. JAQUES, the Appellant above named, hereby appeals to the Supreme Court of the United States from the final judgment of Michigan Supreme Court on December 15, 1977, amended December 20, 1977, denying rehearing of its order affirming Appellant's suspension from the practice of law and the opinion rendered October 24, 1977.

This appeal is taken pursuant to 28 USC §1257(2) and 28 USC §1257(3).

The issues to be raised on this appeal are as follows:

I Whether the disciplinary rules, as construed and applied to Appellant, are repugnant to the guarantees of the First and Fourteenth Amendments.

A. Whether the decision is in conflict with *NAACP* v *Button*, 371 US 415 (1963), *Brotherhood of Railroad Trainmen* v *Virgiria*, 377 US 1 (1964) and *United Transportation Union* v *State Bar of Michigan*, 401 US 576 (1971) which hold that the First Amendment authorizes

an attorney and organization to act collectively to assure meaningful access to the courts.

B. Whether the decision is in conflict with *NAACP* v *Button*, supra, which holds that a statute which, on its face, prohibits both protected and unprotected speech, offends by its overbreadth the guarantees of the First Amendment.

C. Whether the decision below conflicts with *Bates* v *State Bar of Arizona*, 45 U.S.L.W. 4895 (1977) by prohibiting the free flow of information from an attorney to one desiring to hear the attorney's message in the absence of a compelling state interest expressed in a narrowly drawn regulation.

II Whether the decision by the Supreme Court of Michigan conflicts with the supremacy clause, article 6, clause 2, of the Constitution of the United States by permitting the state to exact a penalty from an attorney for exercising the prerogatives of federal practice in prosecuting an action in federal court.

III Whether Appellant was denied the due process guarantees of the Fourteenth Amendment during the administrative proceedings.

A. Whether due process is offended by a procedure whereby a litigant is denied the opportunity to call a witness on his own behalf where state law does not prohibit him from calling that witness.

B. Whether due process is offended by procedures whereby a litigant seeking to establish the grounds for disqualification of the decision-maker is precluded from the inquiry necessary to establish the basis of the disqualification motion.

C. Whether due process requires that findings of fact be vacated where the decision-maker improperly receives and considers edited transcripts of prior testimony.

GROMEK & BENDURE
BY: /s/ MARK R. BENDURE
(P-23490)
Attorneys for Defendant-Appellant
1410 Lafayette Building
Detroit, Michigan 48226
(313) 961-1525

Dated: March 10, 1978.

Filed in the Supreme Court
of Michigan, March 16, 1978

(Title of Court and Cause)

REQUEST FOR CERTIFICATION
AND TRANSMISSION OF RECORD

To: Harold Hoag
Clerk of the Michigan Supreme Court

Pursuant to Rule 12(1) of the Rules of the Supreme Court of the United States, you are hereby requested to certify and transmit to the Supreme Court of the United States the entire record of the above-entitled cause.

GROMEK & BENDURE
BY: /s/ MARK R. BENDURE
(P-23490)
Attorneys for Defendant-Appellant
1410 Lafayette Building
Detroit, Michigan 48226
(313) 961-1525

Dated: March 10, 1978.

Filed in the Supreme Court
of Michigan on March 16, 1978

(Title of Court and Cause)

PROOF OF SERVICE OF NOTICE OF
APPEAL ON APPELLEE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

MARK R. BENDURE, being first duly sworn, deposes and says that on March 15, 1978, he, as counsel for LEONARD C. JAQUES, Defendant-Appellant herein, served copies of the Notice of Appeal to the Supreme Court of the United States and Request for Certification and Transmission of Records on Appellee by hand delivering the same to LOUIS ROSENZWEIG, counsel for the State Bar Grievance Administrator, at the office of the State Bar Grievance Administrator located at 600 Woodward Avenue, 10th floor, Detroit, Michigan 48226.

/s/ MARK R. BENDURE

Subscribed and sworn to before me
this 16th day of March, 1978.
/s/ CARL L. GROMEK
Notary Public
Wayne County, Michigan
My commission expires: 3/15/80

(Title of Court and Cause)

PROOF OF FILING NOTICE OF APPEAL
AND REQUEST FOR CERTIFICATION

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

KEITH KEMPAINEN, being first duly sworn, deposes and says that on the 16th day of March, 1978, he filed the Notice of Appeal to the Supreme Court of the United States and Request for Certification and Transmission of Record with the Supreme Court of the State of Michigan by hand delivering the same on March 16, 1978 to the office of the Court Clerk of the Supreme Court of Michigan.

/s/ KEITH KEMPAINEN

Subscribed and sworn to before me
this 16th day of March, 1978.
/s/ MARK R. BENDURE,
Notary Public
Wayne County, Michigan
My commission expires: 3/15/80